GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ENDOWMENTS DEPARTMENT – The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2010 – Amendment – Preliminary Notification - Issued.

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REVENUE (ENDOWMENTS-I) DEAPRTMENT

G.O.Ms.No.344 **Dated 10-9-2015.**
Read the following :-

1) G.O.Ms. No.180, Rev. (Endt.I) Dept., dt.28-2-2011.
2) From the C.E.D. A.P. Hyderabad letter Rc.No.in DPI/ 7958/ 2015, dt.25-4-2015.

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O R D E R:

The following notification will be published in the Extraordinary issue of Andhra Pradesh Gazette, dated 15-9-2015:-

PRELIMINARY NOTIFICATION

The following amendments to the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2010, issued in G.O.Ms.No.180, Rev. (Endt.I) Dept., dt.28-2-2011 and published in the Extraordinary issue of the Andhra Pradesh Gazette No.114, dated 5-3-2011, are proposed to be made in exercise of the powers conferred by sub-section (6) of section 162 read with section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Andhra Pradesh Act No.30 of 1987) and is hereby published for general information in the Andhra Pradesh Gazette as required under sub-section (1) of section 153 of the said Act.

Notice is hereby given that, the aforesaid amendments will be taken into consideration by the Government on or after expiry of Thirty (30) days from the date of publication of this notification in the Andhra Pradesh Gazette and that, any objections or suggestions which may be received from any person, with respect thereto within the aforesaid period will be taken into consideration by the Government of Andhra Pradesh. Objections and suggestions should be addressed to the Principal Secretary to Government, Revenue (Endowments) Department, Andhra Pradesh, Secretariat, Hyderabad in duplicate.

AMENDMENTS

1. In Sub Rule (2) of Rule 2 of the said Rules, a new Sub Clause (iv) shall be **added** after Clause (iii) as follows:

(iv) Notwithstanding anything above,

(a) the Executive Authorities in the cadre of Assistant Commissioner and above shall directly submit a report under Section 83.

(b) Any person having interest supporting the cause of the Endowment Institution may directly submit a report under Section 83. The Trustee or Executive Authority and the Assistant Commissioner of Endowments of the district concerned must be made co-respondents to

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the application either to oppose or suppose or transpose even as co-applicants.

2. In Rule 3 of the said Rules, the word "**Hyderabad**" shall be **substituted** as "**Amaravati/Vijayawada**"

3. In Sub Rule (1) of Rule 22 of the said Rules, immediately after the words "**shall pronounce orders**", the following words shall be **inserted**:

"Which includes decree to be passed".

4. Sub-Rule (2) of Rule 22 of the said Rules shall be **substituted** as follows:

(2) (a) Both the Chairman and the member should hear the arguments in the application and deliver the order signed by both of them or independently.

(b) In case of disagreement, the decision of Chairman will prevail. In all such cases, an appeal lies to the High Court within 30 days from the date of the order.

5. Immediately after Sub Rule (2) of Rule 22 of the said Rules, the following Sub Rule (3) shall be **added** namely:

(3) Not withstanding anything in these Rules,

(i) Whenever there is a vacancy of Chairman, the existing member will act as Chairman and competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and Rules.

(ii) Whenever there is a vacancy of Member, the existing Chairman is competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and Rules.

6. (1) In Rule 26, the present body shall be **numbered** as sub-rule (1).

(2) After sub-rule (1) of Rule 26 of the said Rules, the following sub-rule shall be **added**:-

(2) Notwithstanding anything in these rules and any other rules for the time being:-

(i) The Endowments Tribunal shall have jurisdiction to pass any interim or final order, order for mesne profits, any damages, loss of any kind, arrears of rent or fees and order or direct any person or authority to comply with its orders and further competent to pass such other order or orders to meet the ends of justice. The Endowments Tribunal may have the power to conduct proceedings including implementation of its orders in a summary manner.

(contd. p.3)

(ii) Whoever fails or omits to comply with any order made by the Endowments Tribunal, such person or authority shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to two years, or with fine which shall not be less than Rs.10,000/- but which may extend to Rs.1,00,000/- or with both.

(iii) The Endowments Tribunal may transfer the decree for its execution to the concerned Subordinate Judge's Court for execution in case of order and decree of civil nature and may transfer the order for execution to the concerned Judicial Magistrate of 1st Class if the order pertains to an offence punishable with imprisonment or fine of both.

(iv) The Endowments Tribunal shall have the power of a Judicial Magistrate of the 1st Class for trial of offences mentioned in the Act and shall be deemed to be a Judicial Magistrate of the 1st Class for the purpose of code of Criminal Procedure, 1973.

7. Immediately after Rule 28, the following new Rule shall be **added** as Rule 29 namely:-

29. <u>Age, tenure and emoluments in certain cases</u> :-

(1) Whenever a retired judicial member is appointed as Chairman of the Tribunal, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(2) Whenever a retired qualified person is appointed as member, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(3) The remuneration and other emoluments of the above persons will be decided by the Government from time to time.

8. Immediately after Rule 29, the following new Rule shall be **added** as Rule 30 namely:

30. <u>General Superintendence of the High Court</u>:-

(1) The Tribunal shall function under the direct supervision and control of the High Court.

(2) The Chairman shall submit quarterly reports to the High Court periodically, addressing the Registrar concerned, within fifteen days from the end of each quarter, on the filing, pendency, orders passed, both interim and final, fines imposed, action suggested or taken against erring officials, all section wise, circuit or camp

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stations conducted and the output therein and other important administrative matters describing reasons in brief there for, duly marking a copy to the Principal Secretary, Revenue (Endowments) in the Government.

9. Immediately after Rule 30, the following new Rule 31 shall be **added** namely:

31. <u>Residue</u> :

(1) The Tribunal shall put every effort to dispose the interim applications within 30 days and pass final orders including decree within six months from date of filing in a summary manner.

(2) The Tribunal shall compulsorily maintain vacation sitting during long holidays on the lines of High Court.

(3) The Tribunal shall put every effort to maintain circuit or camp stations working at least three working days in a month for speedy disposal of the applications.

(4) If any of these Rules if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride the provisions of the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Printing, Stationary and Stores Purchase,
Hyderabad
(For Publishing the notification in the next issue of A.P. Gazette.
He is requested to supply 50 copies to Government and 50
copies to the Commissioner, Endowments,A.P. Hyderabad).

Copy to:
The Commissioner, Endowments Department,A.P. Hyderabad.
The P.S. to Minister (Endowments).
The Revenue (Endts.II, III) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

The Andhra Pradesh Andhra Pradesh Charitable and Hindu Religious Institutions and **Endowments Tribunal (Amendment) Rules**, 2015

(Proposed Draft)

1. <u>Short title and commencement</u>:-

1. These Rules may be called as The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal (Amendment) Rules, 2015.

2. They shall come in to force on such date as the Government may, by notification, appoint.

2. **<u>Definition</u>:-** In these Rules, unless the context otherwise requires:-

1. "Principal Rules" means the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2009.

3. <u>Amendment of Rule.2</u> :- In Sub Rule (2) of Rule.2 of Principal Rules, a new Sub Clause (IV) shall be added after Clause (iii) is over as follows :

(iv) Notwithstanding anything above,

(a) the Executive Authorities in the cadre of Assistant Commissioner and above shall directly submit a report under Section 83.

(b) Any person having interest supporting the cause of the Endowment Institution may directly submit a report under Section 83. The Trustee or Executive Authority and the Assistant Commissioner of Endowments of the district concerned must be made co-respondents to the application either to oppose or suppose or transpose even as co-applicants.

4. <u>Amendment of Rule.22</u>:-

(i) In Sub Rule (1) of Rule 22 immediately after the words shall pronounce orders, the following words shall be inserted:

Which includes decree to be passed.

(ii) Sub Rule (2) shall be substituted as follows :

(2) (a) Both the Chairman and the member should hear the arguments in the application and deliver the order signed by both of them or independently.

(b) In case of disagreement, the decision of Chairman will prevail. In all such cases, an appeal lies to the High Court within 30 days from the date of the order.

(iii) Immediately after Sub Rule (2), the following Sub Rule (3) shall be added:

(3) Not withstanding anything in these Rules,

(1) Whenever there is a vacancy of Chairman, the existing member will act as Chairman and competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and Rules.

(2) Whenever there is a vacancy of Member, the existing Chairman is competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and Rules.

5. **Addition of Rule 29:-** Immediately after Rule 28, the following new Rule shall be added numbering as Rule 29.

29. Age, tenure and emoluments in certain cases :-

(1) Whenever a retired judicial member is appointed as Chairman of the Tribunal, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(2) Whenever a retired qualified person is appointed as member, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(3) The remuneration and other emoluments of the above persons will be decided by the Government from time to time.

6. **Addition of Rule 30:-** Immediately after Rule 29, the following new Rule shall be added numbering as Rule 30.

30. General Superintendence of the High Court:-

(1) The Tribunal shall function under the direct supervision and control of the High Court.

(2) The Chairman shall submit quarterly reports to the High Court periodically, addressing the Registrar concerned, within fifteen days from the end of each quarter, on the filing, pendency, orders passed, both interim and final, fines imposed, action suggested or taken against erring officials, all section wise, circuit or camp stations conducted and the output therein and other important administrative matters describing reasons in brief there for, duly marking a copy to the Principal Secretary, Revenue (Endowments) in the Government.

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(1) The Tribunal shall put every effort to dispose the interim applications within 30 days and pass final orders including decree within six months from date of filing in a summary manner.

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(4) If any of these Rules if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride the provisions of the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

for Commissioner